

**REMARKS/ARGUMENTS**

1. Rejoinder: The Applicants appreciate the Examiner's approval of the request to rejoin claims 23-26.

2. Claims: Claims 1, 4, 6, 10, 13, 15, 23, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,959,760 to Yamada et al. ("Yamada"). Claims 2, 3, 11, 12, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada and U.S. Patent No. 6,595,055 to Schenk et al. ("Schenk"). Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada and U.S. Patent No. 5,908,986 to Mitamura ("Mitamura"). Claims 9 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada.. Thus, claims 1-4, 6-13, 15, 16, and 23-26 are now pending.

The claims have been amended to recite aspects of the invention more particularly. Specifically, each of independent claims 1, 10, and 23 has been amended to clarify that upon activation, the first and second tiltable assemblies become "substantially coplanar." The Specification clearly supports the amendments (Original Application, p. 11, ll. 13-16; Fig. 6B)

With this clarification, it is clear that the limitations of the claims are *not* disclosed in the cited art. In particular, Yamada calls for a mirror and substrate which are "vibratable with respect to two rotation axes which are orthogonal to each other" (Yamada, col. 9, ll. 37-39). It is evident that upon activation, they rotate to become *not coplanar* (*Id.*, col. 10, ll. 9-29; Figs. 12A and 12B; *see also* Figs. 3A-3H) Neither Schenk nor Mitamura teach or suggest the amended limitation either.

Examination of the claims as amended is accordingly requested.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2834

PATENT

Respectfully submitted,



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Attachments

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